

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CITY OF CHICOPEE, Acting)
through the Chicopee Public)
Schools,)
 Plaintiff)
)
 v.) CIVIL ACTION NO. 04-30087-MAP
)
DAVID T., ET AL,)
 Defendants)

MEMORANDUM AND ORDER REGARDING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
MOTION FOR SUMMARY JUDGMENT OF DEFENDANT DAVID T
AND MOTION FOR SUMMARY JUDGMENT OF DEFENDANT
MASSACHUSETTS DEPARTMENT OF EDUCATION
(Docket Nos. 50, 51 and 56)

March 23, 2005

PONSOR, U.S.D.J.

Counsel for all parties appeared before this court for argument on their cross-motions for summary judgment. After hearing argument, the court ruled from the bench, allowing the motions of the defendants and denying the plaintiff's motion.

The court's reasons for its rulings were set forth in detail orally immediately following argument. In summary, the court found that the decision of the hearing officer of the Bureau of Special Education Appeals of the Commonwealth of Massachusetts, dated April 7, 2004, was well supported by the record and sensibly resolved the difficult issues before her. In making its decision, this court had in mind its

obligation to give due deference to the hearing officer's memorandum and not to discard it without sound reason. In the end, the court simply found the hearing officer's memorandum to be persuasive.

For the foregoing reasons, the motion of the plaintiff (Docket No. 50) is hereby DENIED, and the motions of the defendants (Docket Nos. 51 and 56) are hereby ALLOWED. The clerk is ordered to enter judgment for the defendants. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge